

FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
THE INVESTIGATION OF

SIEGFRIED HESSE, M.D.,

Licensee

MEMORANDUM AND ORDER ON SETTLEMENT CONFERENCE

TO: Siegfried Hesse, M.D.
P.O. Box 338
Rib Lake, WI 54470

Arthur Thexton
Attorney at Law
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708

An informal settlement conference was conducted in the above-captioned matter before an informal settlement conference committee of the Medical Examining Board on May 21, 1991. The purpose of the conference was to provide interested parties with an opportunity to discuss allegations received pertaining to the practice of Dr. Hesse as a physician, and to attempt to reach a fair and consensual resolution of the matter.

The parties orally presented their respective positions regarding the matter to the committee, and the committee deliberated on a possible disposition of the matter. The committee thereafter presented a proposed Stipulation for Dr. Hesse's consideration, a copy of which is attached hereto and made a part hereof. The Stipulation was ultimately executed by Dr. Hesse, Mr. Thexton and Dr. Michael P. Mehr, board Secretary.

Based upon the proceedings at the conference, and upon the Stipulation of the parties, the board enters the following order.

ORDER

NOW, THEREFORE, IT IS ORDERED that based on the findings and conclusions in this case, as set forth in the Stipulation of the parties hereto, and based upon the determination by the Informal Settlement Conference Committee that Dr. Hesse has satisfactorily fulfilled the requirement of the Stipulation that Dr. Hesse submit medical records of his home deliveries, of nursing home residents treated by him, and of patients seen by him suffering from congestive heart failure, and has fulfilled the requirement of the Stipulation that such records meet standards of minimally competent record keeping, this matter be, and hereby is, dismissed.

Dated this 13 day of April, 1992.

STATE OF WISCONSIN
MEDICAL EXAMINING BOARD

by B. Ann Neviaser
B. Ann Neviaser
Secretary

WRA:BDLS2:1636

JUN 24 1991

STATE OF WISCONSIN
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STIPULATION

Siegfried Hesse, M.D. (Dr. Hesse), and the Medical Examining Board (board), having reached agreement on disposition of the informal complaint identified as 89 MED 111, agree and stipulate as follows:

1. This Stipulation shall be made a part of a Memorandum and Order on Settlement Conference to be issued by the board, and all terms of the Stipulation shall be binding on Dr. Hesse as a part of the board's order.
2. This Stipulation and the board's order shall be placed in Dr. Hesse's permanent file, and may be used if there are further complaints against him.
3. Dr. Hesse is licensed to practice medicine and surgery in Wisconsin by license #14230, issued on February 8, 1962, and he resides at Rib Lake, Wisconsin.
4. In 1985, Dr. Hesse was granted obstetrical privileges at Memorial Hospital of Taylor County, Medford, Wisconsin (Memorial Hospital). Dr. Lee had earlier held such privileges at Memorial Hospital, but had resigned them in the late 1970's.
5. Throughout Dr. Hesse's 30 years of practice in obstetrics, it has been his practice to discharge post-partum patients after only a brief hospital stay of one or two days. Because Dr. Hesse considers experienced obstetrical nurses to be generally as competent as he to evaluate post-partum fascia, fever and possible venous thrombus, he has over the course of his practice relied on obstetrical nursing staff in this regard and has occasionally discharged patients without personally visiting them if these factors are reported as normal by the nursing staff and if the newborn is in the charge of a staff pediatrician.

6. By letter dated January 7, 1988, addressed to Dr. Hesse, the Memorial Hospital Obstetrical/Family Practice Department expressed its concern with Dr. Hesse's practice as it relates to discharging obstetrical patients. That letter states in part:

At our last meeting which took place on January 6, 1988, we discussed two cases in which you were involved as the attending physician. Both of these cases were your two recent deliveries and we have been advised that both of these ladies were discharged from the hospital without having been seen by a physician following delivery.

While on occasion this is necessary for unusual circumstances, we do not feel that on a routine basis the practice of discharging a patient from the hospital by telephone is appropriate.

Dr. Hesse never received a copy of the letter.

7. As reflected by the minutes of a meeting of the Obstetrical/ Family Practice Department occurring on November 2, 1988, the following action was taken:

It was moved by Dr. Meyer and seconded by Dr. Baldwin that formal fair hearing procedure notification be instituted in reference to Dr. [Hesse] case #00-73-31 which was reviewed by the Department in August of this year. It was felt that earlier in the year when a similar occurrence regarding patient care had taken place a letter had been sent to Dr. [Hesse] requesting that if it was impossible for him to perform adequate follow-up postpartum visits on the patient's [sic] that he delivers in the hospital that he make an effort to obtain coverage so that these patient's could be seen in [sic] a daily basis prior to their discharge. After that notification to which he did not respond he once again in July did deliver a patient and then ultimately did not see her following her delivery and discharged her by telephone. Having discussed this at some length in the past, and on this occasion we feel that there is reason to institute fair hearing procedures and on a vote of the OB/FP Department the motion was passed without dissent.

8. As reflected by the minutes of a Memorial Hospital medical staff meeting conducted on November 9, 1988, the following action was taken.:

After a short discussion, it was moved by Dr. Baldwin the Medical Staff continue in the due process of removing Dr. Hesse's O.B. privileges because of the lack of follow-up patient care after delivery and the lack of documentation of resuscitation of an infant whose Apgar's went as low as 2 was outside the standard of care. Motion seconded by Dr. Sulit. Motion carried.

9. Dr. Hesse normally completes the records of prior O.B. cases at the time he is at the hospital to deliver a current patient in labor. In the case cited by the minutes of

the medical staff meeting cited above, a newborn child suffered severe apnea and had a very low apgar score, but was successfully resuscitated. Following his normal procedure, Dr. Hesse did not immediately complete the records of the occurrence. The record ultimately was not completed due to an oversight occasioned by a hurried attempt to sign outstanding medical charts prior to an imminent quality of care inspection.

10. On January 23, 1989, the Memorial Hospital Board of Directors voted to revoke Dr. Hesse's privileges. At no time during the process had Dr. Hesse responded to the privilege revocation proceedings.

11. Dr. Hesses agrees to submit, within 30 days following the date of the board's order adopting the terms of this Stipulation, his office records covering his home deliveries for 1990, his records for three nursing home patients with diagnoses of pneumonia in 1990, and his office records for three patients diagnosed with congestive heart failure in 1990.

12. The parties agree that if the informal settlement conference committee considers the records submitted to meet standards of minimally competent record keeping, this matter shall be dismissed. If, in the opinion of the committee, the records submitted do not meet minimum standards, Dr. Hesse agrees that he shall sit for and pass the SPEX examination within one year following notification of the committee's determination.

Dated this 20 day of June, 1991.

S F Hess, M.D.
Siegfried Hess, M.D.

Dated this 24 day of June, 1991.

Arthur Thexton
Arthur Thexton, Attorney, Division of Enforcement

Dated this 24 day of July, 1991.

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

by Michael P. Mehr, M.D.
Michael P. Mehr, M.D., Secretary